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10/811,683	03/29/2004	Tim W. Cox	DC-06566	2975

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HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN, TX 78720

EXAMINER	
BAKER, CHARLOTTE M	

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@hamiltonterrile.com
seaton@hamiltonterrile.com
tmunoz@hamiltonterrile.com

Office Action Summary	Application No.	Applicant(s)	
	10/811,683	COX ET AL.	
	Examiner	Art Unit	
	CHARLOTTE M. BAKER	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kroening et al. (6,928,644) in view of Kaliappan et al. (US 2004/0205406 A1).

Regarding claim 1: Kroening et al. disclose an interface (disk image is transmitted from the image server 40 to an end user-the disk image is the image that was built at the image builder 20 all shown in Fig. 1 and also see col. 8, ln. 58-67) operable to accept image parameters (disk image) from a builder (Fig. 1, image builder 20) through the Internet (col. 8, ln. 63-67); an image library (Fig. 1, storage device 30) having plural image components (database of stored images, col. 6, ln. 63-67; images are stored on storage device 30 according to an assigned configuration number; storage device 30 is surveyed to find the desired configuration, col. 8, ln. 26-32); an image creation engine (Fig. 1, image builder 20) operable to apply the image parameters (disk image) to select (storage device 30 is surveyed by image builder 20, col. 8, ln. 29-32) associated image components (images stored on storage device 30 are used or are built upon, col.. 8, ln. 25-32) from the image library (Fig. 1, storage device 30) to build an image (disk image) conforming

with the parameters (desired configuration, col. 8, ln. 29-32); the image creation engine (Fig. 1, image builder 20) and operable to accept the library components (surveys storage device 30, col. 8, ln. 29-32) to generate an information handling system having the built image.

Kroening et al. fail to specifically address and image build and test systems interfaced with.

Kaliappan et al. disclose and image build and test systems interfaced with (Fig. 1, test generation means 1 connected over Internet 5 to image builder 3) (user begins automatic test system, pars. 69 and 70).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to insert test generation means 3 (Kaliappan et al.) in communication with image builder 20 (Kroening et al.) in order to provide an automatic test system for testing remote target applications on a communication network as taught by Kaliappan et al. (par. 6).

Regarding claim 2: Kroening et al. in view of Kaliappan et al. satisfy all the elements of claim 1. Kroening et al. further disclose comprise hardware information handling systems built to accept the image (image may be delivered directly to a hard drive during a manufacturing and assembly process of a computer system, col. 5, ln. 11-15).

Kroening et al. fail to specifically address wherein the image build and test systems.

Kaliappan et al. disclose wherein the image build and test systems (Fig. 1, test generation means 1 connected over Internet 5 to image builder 3) (user begins automatic test system, pars. 69 and 70).

Regarding claim 3: Kroening et al. in view of Kaliappan et al. satisfy all the elements of claim 1.

Kroening et al. fail to specifically address wherein the image build and test systems comprise software virtual information handling systems to accept the image.

Kaliappan et al. disclose wherein the image build and test systems (Fig. 1, test generation means 1 connected over Internet 5 to image builder 3) comprise software virtual information handling systems (the converted program is downloaded to the image builder for building the image for testing, par. 76) to accept the image (if the building of the image is successful, the image is downloaded to the target, par. 76).

Regarding claim 4: Kroening et al. in view of Kaliappan et al. satisfy all the elements of claim 1.

Kroening et al. further disclose wherein the image library (Fig. 1, storage device 30) comprises information handling system manufacturer defined image components (image builder 20 is coupled to order entry system 15 for providing pertinent information for creating or building an image of the desired software configuration, col. 6, ln. 58-62) and builder defined image components (image builder 20 sorts through a database of stored images to determine if an image of the desired configuration has already been created and if it has not a baseline image from storage device 30 is selected and built upon, col. 6, ln. 63 through col. 7, ln. 5).

Regarding claim 5: Kroening et al. in view of Kaliappan et al. satisfy all the elements of claim 4.

Kroening et al. further disclose wherein the manufacturer defined image components (image builder 20 is coupled to order entry system 15 for providing pertinent information for

creating or building an image of the desired software configuration, col. 6, ln. 58-62) comprise one or more of operating systems, base images and applications (operating system, application software, col. 5, ln. 25-35 and operating system and variety of applications, col. 5, ln. 48-62).

Regarding claim 6: Kroening et al. in view of Kaliappan et al. satisfy all the elements of claim 4.

Kroening et al. further disclose wherein the builder defined image components comprise one or more of builder-uploaded files (image builder 20 determines if it can acquire an image of the desired configuration from storage device 30, col. 6, ln. 63-67), applications, and custom settings (custom software configurations, col. 5, ln. 1-19)(customizable options chosen by a user for a product, col. 9, ln. 18-30).

Regarding claim 7: Kroening et al. in view of Kaliappan et al. satisfy all the elements of claim 6.

Kroening et al. further disclose wherein the builder defined custom settings comprise hard disc drive partitions, BIOS settings, network settings, desktop settings, system names and registry entries (BIOS and CMOS settings, operating systems, drivers, utilities, application software, vendor software, hardware settings, drivers, user-selected software, hard drive size, installed accessories, current software configuration, col. 5, ln. 20-35 and ln. 55-62).

Regarding claim 8: Kroening et al. in view of Kaliappan et al. satisfy all the elements of claim 1.

Kroening et al. fail to specifically address an image test engine operable to accept test commands communicated through the Internet and to apply the test commands to the image build and test systems.

Kaliappan et al. disclose an image test engine (Fig. 1, test generation means 1) operable to accept test commands communicated through the Internet (Fig. 1, Internet 5) and to apply the test commands to the image build and test systems (Fig. 1, test generation means 1 connected over Internet 5 to image builder 3) (user begins automatic test system, pars. 69 and 70) (if building of image is successful, image is downloaded to the target, par. 76).

Regarding claim 9: Kroening et al. in view of Kaliappan et al. satisfy all the elements of claim 1.

Kroening et al. further disclose an image promotion engine (Fig. 1, image server 40) operable to communicate a copy of the built image (image server 40 is the point of delivery for the disk image) to an information handling system manufacturing site for manufacture of information handling systems having the built image (the image may be delivered directly to a hard drive 50 during a manufacturing and assembly process of a computer system, col. 5, ln. 1-19) (image is installed on the hard drive 50 in the manufacturing and assembly process, col. 7, ln. 40-48).

Regarding claim 10: Kroening et al. in view of Kaliappan et al. satisfy all the elements of claim 1.

Kroening et al. further disclose an image management engine (images are delivered to image server 40 and communicated through various means from that point; Fig. 1, image server 40) operable to accept builder defined image components (image builder 20 receives the bill of materials which includes desired software configuration, col. 6, ln. 58-62; image builder 20 sorts through a database of stored images which are stored on storage device 30, col. 6, ln. 63-67; once the image is created it is sent from storage device 30 to image server 40, col. 8, ln. 41-46)

through the Internet (image server 40 is connected to the Internet 54) and to copy the builder defined image components (images are stored on the storage device 30, col. 8, ln. 25-32) to the image library (Fig. 1, storage device 30).

Regarding claim 11: Kroening et al. disclose accessing a library of plural image components (database of stored images, col. 6, ln. 63-67; images are stored on storage device 30 according to an assigned configuration number; storage device 30 is surveyed to find the desired configuration, col. 8, ln. 26-32) by a customer (customer enters bill of materials and the image builder 20 receives the entry and then image builder 20 sorts through a database of stored images which are stored on storage device 30) through a remote network communication (communication network between order entry 15, image builder 20 and storage device 30); selecting image components (order entry system 15 is where the bill of materials is entered which provides pertinent information for creating or building an image of the desired software configuration, col. 6, ln. 58-62 and col. 5, ln. 22-35) for inclusion in manufactured information handling systems (the image may be delivered directly to a hard drive 50 during a manufacturing and assembly process of a computer system, col. 5, ln. 11-15); defining an image manifest (desired software configuration, col. 5, ln. 20-35) with the selected components (customer's selection of a desired software configuration, col. 5, ln. 22-24); building an image from the image manifest; and copying the built image; for use in manufacture of the information handling systems.

Kroening et al. fail to specifically address on a test information handling system; from the test information handling system.

Kaliappan et al. disclose on a test information handling system (Fig. 1, test generation means 1 connected over Internet 5 to image builder 3) (user begins automatic test system, pars. 69 and 70); from the test information handling system (Fig. 1, test generation means 1 connected over Internet 5 to image builder 3) (user begins automatic test system, pars. 69 and 70).

Regarding claim 12: Kroening et al. in view of Kaliappan et al. satisfy all the elements of claim 11.

Kroening et al. further disclose promoting the built image (disk image that has been delivered to image server 40, col. 8, ln. 45-46) to an information handling system manufacture environment (the image may be delivered directly to a hard drive 50 during a manufacturing and assembly process of a computer system, col. 5, ln. 11-19); and copying the built image to a manufactured information handling system (delivered directly to hard drive 50, col. 5, ln. 11-19).

Regarding claim 13: Kroening et al. in view of Kaliappan et al. satisfy all the elements of claim 11.

Kroening et al. further disclose by the customer (customer enters bill of materials and the image builder 20 receives the entry and then image builder 20 sorts through a database of stored images which are stored on storage device 30) through the remote network connection (communication network between order entry 15, image builder 20 and storage device 30).

Kroening et al. fail to specifically address accessing the test information handling system; and testing operation of the image on the test information handling system.

Kaliappan et al. disclose accessing (user begins automatic test system, pars. 69 and 70) the test information handling system (Fig. 1, test generation means 1 connected over Internet 5 to image builder 3); and testing operation of the image on the test information handling system (Fig. 1, test generation means 1 connected over Internet 5 to image builder 3) (user begins automatic test system, pars. 69 and 70) (if building of the image is successful, it is downloaded to the target, par. 76).

Regarding claim 14: Kroening et al. in view of Kaliappan et al. satisfy all the elements of claim 13.

Kroening et al. further disclose comprises a hardware information handling system having the image loaded (image may be delivered directly to a hard drive during a manufacturing and assembly process of a computer system, col. 5, ln. 11-15).

Kroening et al. fail to specifically address wherein the test information handling system.

Kaliappan et al. disclose wherein the test information handling system (Fig. 1, test generation means 1 connected over Internet 5 to image builder 3) (user begins automatic test system, pars. 69 and 70).

Regarding claim 15: Kroening et al. in view of Kaliappan et al. satisfy all the elements of claim 13.

Kroening et al. fail to specifically address wherein the test information handling system comprises a virtual information handling system modeled in network-accessible memory.

Kaliappan et al. disclose wherein the test information handling system (Fig. 1, test generation means 1 connected over Internet 5 to image builder 3) (user begins automatic test system, pars. 69 and 70) comprises a virtual information handling system (the converted program is downloaded to the image builder for building the image for testing, par. 76) modeled in network-accessible memory (image builder means 3, test generation means 1 and data storage means 2 are all in resident RAM of computing system, par. 73).

Regarding claim 16: Kroening et al. satisfy all the elements of claim 11.

Kroening et al. further disclose uploading to the image library (Fig. 1, storage device 30) from the customer (Fig. 1, order entry 15) through the remote network communications (communication network between order entry 15, image builder 20 and storage device 30) one or more custom image components (custom software configurations, col. 5, ln. 1-19)(customizable options chosen by a user for a product, col. 9, ln. 18-30); and including the custom image components (custom software configurations, col. 5, ln. 1-19)(customizable options chosen by a user for a product, col. 9, ln. 18-30) in the image manifest (desired software configuration, col. 5, ln. 20-35).

Regarding claim 17: Kroening et al. in view of Kaliappan et al. satisfy all the elements of claim 16.

Kroening et al. further disclose wherein the custom image components (custom software configurations, col. 5, ln. 1-19)(customizable options chosen by a user for a product, col. 9, ln. 18-30) comprise one or more custom applications (BIOS and CMOS settings, operating systems, utilities, application software, vendor software, hardware settings, drivers, user-selected

software, col. 5, ln. 25-35) operable to perform a desired function (desired configuration for a computing system) on a manufactured information handling system (the image may be delivered directly to a hard drive 50 during a manufacturing and assembly process of a computer system, col. 5, ln. 11-15).

Regarding claim 18: Kroening et al. in view of Kaliappan et al. satisfy all the elements of claim 16.

Kroening et al. further disclose wherein the custom image components (custom software configurations, col. 5, ln. 1-19)(customizable options chosen by a user for a product, col. 9, ln. 18-30) comprise custom information handling system settings (BIOS and CMOS settings, hardware settings as examples, col. 5, ln. 25-35).

Regarding claim 19: Kroening et al. in view of Kaliappan et al. satisfy all the elements of claim 18.

Kroening et al. further disclose wherein the custom information handling system settings (custom software configurations, col. 5, ln. 1-19)(customizable options chosen by a user for a product, col. 9, ln. 18-30) comprise one or more of hard disc drive partitions, BIOS settings, network settings, desktop settings, system names and registry entries (BIOS and CMOS settings, operating systems, drivers, utilities, application software, vendor software, hardware settings, drivers, user-selected software, hard drive size, installed accessories, current software configuration, col. 5, ln. 20-35 and ln. 55-62).

Regarding claim 20: Kroening et al. in view of Kaliappan et al. satisfy all the elements of claim 18.

Kroening et al. further disclose storing the built image in the library (Fig. 1, storage device 30); and creating a new image by editing (if the image of the desired configuration has not previously been created, the image builder 20 selects an appropriate baseline image from the storage device 30 and then determines which incremental images are to be layered on top of the baseline image to achieve the desired final configuration, col. 7, ln. 1-5) the stored built image (storage device 30 is surveyed to find the desired configuration for establishing a baseline to build upon, col. 8, ln. 29-32).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bantz et al. (US 2003/0163809 A1); Belfer et al. (5,045,994); Cote (6,690,830);.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLOTTE M. BAKER whose telephone number is (571)272-7459. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. M. B./
Examiner, Art Unit 2625

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625